

**Notice of Allowability**

Application No.

10/726,324

Examiner

Brandon Jackson

Applicant(s)

HARE ET AL.

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3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed 4/6/2007 and Examiner's Amendment herewith.
2. ☒ The allowed claim(s) is/are 1,3-6, 11-14, 17-19, 24-26, 29-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/21/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to arguments/amendments filed 4/6/2007. Currently, claims 1-6, 11-14, 17-19, 24-26, and 29-42 are pending in the instant application.

### ***Drawings***

The drawings were received on 4/6/2007. These drawings are accepted.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Withers on 8/1/2007.

The application has been amended as follows:

Claim 1 has been replaced with the following amended claim:

A covering for an aseptic treatment site comprising:

- a substrate defining a fenestration which permits selective access to an aseptic treatment site on a patient; and

- a transparent cover removably affixed to a surface of the substrate in substantially aseptic covering relation relative to the fenestration, said transparent cover defining a cavity over the aseptic treatment site when the transparent cover is disposed in covering relation relative to the fenestration, said cavity representing an empty space bound by (i) a lower surface of the

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transparent cover spaced away from and above the aseptic treatment site, (ii) a peripheral edge of the substrate along walls of the fenestration, and (iii) an upper surface of the aseptic treatment site on the patient;

wherein the substrate comprises a first region having a first region outer periphery, and a selectively detachable second region joined to the first region along the first region outer periphery, said transparent cover being positioned completely within the first region outer periphery.

Claim 2 is cancelled.

In claim 3, line 1, -- 2 -- has been deleted and "1" has been added after claim.

In claim 6, line 1, -- 2 -- has been deleted and "1" has been added after claim.

In claim 6, line 2, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 11, line 4, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 12, line 4, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 13, line 3, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 13, line 4, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 14, line 4, -- aperture -- has been deleted and "fenestration" has been added after the.

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In claim 17, line 3, -- an aperture -- has been deleted and "a fenestration" has been added after defines.

In claim 17, line 5, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 17, line 8, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 17, line 9, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 17, line 11, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 19, line 2, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 25, line 3, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 25, line 5, -- aperture -- has been deleted and "fenestration" has been added after the.

Claim 29 has been replaced with the following amended claim:

A covering for an aseptic treatment site comprising:

a substrate defining a fenestration which permits selective access to an aseptic treatment site on a patient; and

a transparent cover which is releasably adhesively affixed to the substrate and positioned in covering relation relative to the fenestration, said transparent cover having an upper surface and a lower surface, said lower surface having a pattern of adhesive thereon for

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releasably adhesively affixing the transparent cover to the substrate, wherein a portion of the lower surface of the transparent cover that extends over the fenestration is free of adhesive;

wherein the substrate comprises a first region having a first region outer periphery, and a selectively detachable second region joined to the first region along the first region outer periphery, said transparent cover being positioned completely within the first region outer periphery.

In claim 30, line 3, -- an aperture -- has been deleted and "a fenestration" has been added after defining.

In claim 30, line 12, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 31, line 2, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 31, line 3, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 31, line 4, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 33, line 2, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 33, line 3, -- aperture -- has been deleted and "fenestration" has been added after the.

In claim 35, line 3, -- aperture -- has been deleted and "fenestration" has been added after the.

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In claim 35, line 4, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 36, line 3, - - an aperture - - has been deleted and "a fenestration" has been added after and.

In claim 36, line 4, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 36, line 5, "viewable and" has been added after is.

In claim 36, line 6, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 36, line 9, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 38, line 3, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 38, line 4, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 38, line 5, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 39, line 3, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 40, line 3, - - aperture - - has been deleted and "fenestration" has been added after the.

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In claim 41, line 4, - - aperture - - has been deleted and "fenestration" has been added after the.

In claim 41, line 6, - - aperture - - has been deleted and "fenestration" has been added after the.

The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claim(s) could either not be found or was not suggested in the prior art of record. The subject matter not found was a second region of drape material surrounding the outer region periphery of the first region of drape material, which has a fenestration, and wherein the second region can be selectively detached from the first region; and a transparent cover completely within the first region's periphery.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Jackson whose telephone number is (571)272-3414. The examiner can normally be reached on Monday - Friday 8-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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